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## Redrafting of labour law welcomed

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Johannesburg - The National Education, Health and Allied Workers Union has welcomed plans to redraft laws relating to labour brokers.

This form of "glorified slavery" exploited workers, leaving them unable to support themselves and their families and perpetuated poverty, it said in a statement on Thursday.

"The ruling party, the African National Congress, in its manifesto promised the people of South Africa decent work, and we are convinced that stopping and doing away with labour brokers is the first step to achieve this important social goal."

This comes after Labour Minister Membathisi Mdladlana said the Basic Conditions of Employment Act (BCEA) would be redrafted to include the definition of an employer.

"The union commits itself to strongly support the minister in his mission to abolish labour brokers and we will mobilise to ensure that workers get decent work and their rights are respected and treated with dignity."

Labour brokers, or temporary employment services, are unpopular with unions who want them either banned or regulated. Many workers placed in jobs in this way don't enjoy job security, medical aid and pension schemes and don't get paid for holidays or when they are ill.

Kimani Ndungu, senior researcher at the National Labour and Economic Development Institute, explained that labour brokers are used by companies to cut employment costs and as a way of avoiding the "hassle factor" of shedding workers they no longer need.

He said the laws most affected could be Section 198 (1) of the Labour Relations Act and Section 82 of the BCEA.

Currently workers using labour brokers find themselves in a triangular relationship with a dominant employer that request the temporary labour.

They are placed on temporary assignments by the labour broker, but if the dominant employer, like a supermarket for example, dismisses them unfairly, they have no claim against the supermarket at the Commission for Conciliation, Mediation and Arbitration.

An option could be to fine tune the laws to say that after working for the dominant employer, for say, three months, they would then be considered permanently employed by this company.

This would be in line with the Employment Equity Act. Ndungu predicted the minister would probably choose not to ban labour brokers outright, and pointed out that banning labour brokers was never in the ANC's election manifesto. Instead, the focus was expected to be on tightening up regulations.

- Sapa